

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
December 5, 2022 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 19, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

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RESOLVED, that the following Audited Claims be and are hereby ordered paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Assistant to the Supervisor, to wit:

Check Run #12192022

Total amount hereby authorized to be paid: \$569,040.75

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 19, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:
(SW) = Sidewalks as required by Chapter 310 of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

NEW PERMITS:				
Pmt #	SW	Applicant Name	Address	STRUCTURE
Village				
20228132		Michael Haun	158 Pleasant View Dr	Er. Pole Barn
20228174		F.J. Wailand Associates, Inc.	2753 Wehrle Dr	Er. Comm. Bldg.
20228374		Tilson Technology Management	0 Transit Rd	Cell Tower - Alteration
20228501		JF Dickinson Construction	27 Sawgrass Ln	Er. Porch/Porch Cover
20228613		Cortese Brothers Construction	6 Pear Tree Ln	Er. Res. Add.
20228619		Windows Doors & More of CNY	95 Laverack Ave	Er. Res. Alt. (V/L)
20228634		A Best Inc.	8 Elm Pl	Re-Roof (V/L)
20228636		Forbes Homes, Inc.	35 Deepwood Pl	Er. Dwlg.-Sin.
20228640		Zenner & Ritter Co. Inc.	10 Village View	Inst. Generator
20228642		Central Heating & Cooling Inc.	7 Chestnut Corner	Inst. Generator
20228645		Ryan Michaels & Assoc. LLC	37 Sussex Ln	Er. Fence
20228646		Hurricane Home Solutions Inc.	13 Quail Run Ln	Inst. Generator
20228647		The Marrano/Marc Equity Corp	9 Walnut Creek Trl	Er. Dwlg.-Sin.
20228648		Thomas Samborski	4888 William St	Er. Fence
20228650		Mary McClintock	34 Wainwright Ct	Er. Fence
20228651		Davidson Fence Inc.	214 Nathan's Trl	Er. Fence
20228652		Buffalo Rc., LLC	15 Windcroft Ln	Re-Roof
20228653		Marrano/Marc Equity Corp	76 Grambo Dr	Er. Dwlg.-Sin.
20228654		Gen-Tech Power Systems LLC	747 Erie St	Inst. Generator
20228656		F&D Construction Inc.	4 Henslow Way	Er. Res. Alt.
20228657		Lemanski Construction	4952 William St	Re-Roof
20228660		LJ Construction WNY LLC	85 Elm Pl	Er. Res. Alt. (V/L)
20228661		JLB Installations	10 Hidden Meadow Cros	Er. Pool-In Grnd
20228662		Buffalo's Best Roofing	45 Deerpath Dr	Re-Roof
20228663		Scott Keller	19 Legion Pky	Dumpster - Temp. (V/L)
20228664		Hometeck Roofing & Remodel	34 Ivy Way	Re-Roof (V/L)
20228666		Daniel Palumbo	64 Pardee Ave	Dumpster - Temp. (V/L)
20228667		David Deutschlander	60 Sturm St	Dumpster - Temp. (V/L)
20228669		Joseph Graves	25 Park Blvd	Er. Res. Alt. (V/L)
20228671		Benjamin Hollander	116 Avian Way	Er. Res. Alt.
20228673		Shamrock Contracting	78 Impala Pky	Re-Roof
20228674		Iroquois Fence Inc.	2 Nashua Ct	Er. Fence
20228675		Sturdi Built Sheds LLC	440 Lake Ave	Er. Shed
20228678		SA Removal LC	6061 Broadway	Dem. Garage
20228683		ECC Electrical Construction	4471 Walden Ave	Inst. Generator

NOW, THEREFORE,
BE IT RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER TO WIT:

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WHEREAS, Classic Tube, 80 Rotech Drive, Lancaster, New York 14086 has applied to the Town Board of the Town of Lancaster for a permit for Private Improvements upon real property in the Town of Lancaster within 80 Rotech Drive, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the private improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

NOW, THEREFORE,
BE IT RESOLVED, that Private Improvement Permit Application No. 845 for 80 Rotech Drive, Lancaster, New York 14086 which is a permit for Private Improvements for:

- 18,800 SF addition to the property located at 80 Rotech Drive (Classic Tube). Updated parking, sidewalks, and water retention will be included.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 19, 2022

WHEREAS, William J. Karn, Jr., Police Chief of the Town of Lancaster, by letter to the Town Board dated December 8, 2022, has recommended the appointment of Connor O’Brien of Lancaster, New York, to the position of Police Officer, and

WHEREAS, Connor O’Brien is eligible for appointment to this position pursuant to the standards and procedures as set forth in the Civil Service Law.

NOW, THEREFORE,

BE IT RESOLVED, that Connor O’Brien, is hereby appointed to the position of Police Officer in the Town of Lancaster Police Department effective January 10, 2023, contingent upon approval by Erie County Department of Personnel, and that such appointment shall be subject to all applicable provisions of the collective negotiations agreement between the Town of Lancaster and the Cayuga Club Police Benevolent Association and all applicable provisions of law, and

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 19, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER LEARY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

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WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Town of Lancaster Town Code provide for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the Year 2022 entitled **“ESTABLISHING A LOCAL GOVERNMENT CODE ENFORCEMENT PROGRAM”**, of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Council Member Leary on the 21st day of November, 2022, and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action and has issued a negative declaration, and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on December 5, 2022, where all interested parties were allowed to address the proposed Local Law.

NOW, THEREFORE,
BE IT RESOLVED, by the Town Board of the Town of Lancaster that:

1.

The attached Local Law **No. 7 of 2022** is hereby adopted.
2.

The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 19, 2022

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 7 OF THE YEAR 2022
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, County of Erie, State of New York, on December 19, 2022, Local Law No. 7 of the Year 2022, which amends the Town of Lancaster Town Code by repealing in its entirety the current Chapter 140 “Construction Codes, Uniform” and replacing it in its entirety with a newly revised Chapter 140 “Code Enforcement Program” in order to comply with New York State requirements. Copies of the Local Law are on file for review in the Lancaster Town Hall, 21 Central Avenue and on the Town of Lancaster’s website, <http://www.lancasterny.gov>.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER**

**By: DIANE M. TERRANOVA
 Town Clerk**

December 22, 2022

Town of Lancaster
Local Law No. 7 of 2022

A Local Law for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) pursuant to section 10 of the Municipal Home Rule Law.

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1: Chapter 140. Construction Codes, Uniform, of the Town of Lancaster Town Code is hereby deleted in its entirety.

Section 2: The Town of Lancaster Town Code is hereby amended to add Chapter 140. Code Enforcement Program, to the Code, in order to comply with New York State requirements, which will read in its entirety as follows:

Chapter 140. Code Enforcement Program

140-1. Purpose And Intent

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town of Lancaster. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

140-2. Definitions

In this local law, the following terms shall have the meanings shown in this section:

Assembly Area shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

Building Permit shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term “Building Permit” shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this local law.

Certificate of Compliance shall mean a document issued by the Town of Lancaster stating that work was done in compliance with approved construction documents and the Codes.

Certificate of Occupancy shall mean a document issued by the Town of Lancaster certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Town of Lancaster, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

Code Enforcement Officer shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

Code Enforcement Personnel shall include the Code Enforcement Officer and all Inspectors.

Codes shall mean the Uniform Code and Energy Code.

Energy Code shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

FCNYS shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

Fire Safety and Property Maintenance Inspection shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

Hazardous Production Materials shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

Inspector shall mean an inspector appointed pursuant to subdivision (d) of section 3 of this local law.

Mobile Food Preparation Vehicles shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

Operating Permit shall mean a permit issued pursuant to section 10 of this local law. The term *Operating Permit* shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this local law.

Order to Remedy shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 17 of this local law.

Permit Holder shall mean the Person to whom a Building Permit has been issued.

Person shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

PMCNYS shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

RCNYS shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

Repair shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

Stop Work Order shall mean an order issued pursuant to section 6 of this local law.

Sugarhouse shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

Temporary Certificate of Occupancy shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

Town shall mean the Town of Lancaster.

Uniform Code shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

Village shall mean the Village of Lancaster.

140-3. Code Enforcement Officer and Inspectors

- A. The Office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law. The Code Enforcement Officer shall have the following powers and duties:

- (1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications.
 - (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits.
 - (3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law.
 - (4) to issue Stop Work Orders.
 - (5) to review and investigate complaints.
 - (6) to issue orders pursuant to subdivision (a) of section 17 (Violations) of this local law.
 - (7) to maintain records;
 - (8) to collect fees as set by the Town Board of this Town of Lancaster.
 - (9) to pursue administrative enforcement actions and proceedings.
 - (10) in consultation with this Town of Lancaster's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law, and
 - (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.
- B. The Code Enforcement Officer shall be appointed by the Lancaster Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
- C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by the Lancaster Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.
- D. One or more Inspectors may be appointed by the Lancaster Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State

pursuant to the Executive Law and the regulations promulgated thereunder.

- E. The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town Board of this Town of Lancaster.

140-4. Building Permits.

- A. Building Permits Required. A Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Town of Lancaster.
- B. This subdivision is intentionally omitted.
- C. This subdivision is intentionally omitted.
- D. Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:
 - (1) a description of the location, nature, extent, and scope of the proposed work.
 - (2) the tax map number and the street address of any affected building or structure.
 - (3) the occupancy classification of any affected building or structure.
 - (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code, and
 - (5) at least 2 sets of construction documents (drawings and/or specifications) which:
 - (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering

firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

- E. Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.
- F. Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.
- G. Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- H. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
- I. Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid, or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- J. Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- K. Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

140-5. Construction Inspections.

- A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement

Officer when any element of work described in subdivision (b) of this section is ready for inspection.

- B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:
- (1) work site prior to the issuance of a Building Permit.
 - (2) footing and foundation.
 - (3) preparation for concrete slab.
 - (4) framing.
 - (5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building.
 - (6) fire resistant construction.
 - (7) fire resistant penetrations.
 - (8) solid fuel burning heating appliances, chimneys, flues, or gas vents.
 - (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls.
 - (10) installation, connection, and assembly of factory manufactured buildings and manufactured homes, and
 - (11) a final inspection after all work authorized by the Building Permit has been completed.
- C. Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
- D. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
- E. Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

140-6. Stop Work Orders.

- A. Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:
- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.
- B. Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- C. Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by registered mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by registered mail ; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.
- D. Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.
- E. Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 17 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

140-7. Certificates of Occupancy and Certificates of Compliance

- A. Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.

- B. Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:
- (1) a written statement of structural observations and/or a final report of special inspections,
 - (2) flood hazard certifications,
 - (3) a written statement of the results of tests performed to show compliance with the Energy Code, and
 - (4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.
- C. Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:
- (1) the Building Permit number, if any.
 - (2) the date of issuance of the Building Permit, if any.
 - (3) the name (if any), address and tax map number of the property.
 - (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued.
 - (5) the use and occupancy classification of the structure.
 - (6) the type of construction of the structure.
 - (7) the occupant load of the assembly areas in the structure, if any.
 - (8) any special conditions imposed in connection with the issuance of the Building Permit; and
 - (9) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.
- D. Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means

of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed 6 months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

- E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate
- F. Fee. The fee specified in or determined in accordance with the provisions set forth in 140-18 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for temporary Certificate of Occupancy.

140-8. Notification Regarding Fire or Explosion.

The Fire Chief of any Fire Department providing firefighting services for a property within this Town of Lancaster shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

140-9. Unsafe Buildings, Structures, and Equipment and Conditions of Imminent Danger

Unsafe buildings, structures, and equipment and conditions of imminent danger in this Town of Lancaster shall be identified and addressed in accordance with the procedures established by Local Law Chapter 115 as now in effect or as hereafter amended from time to time, as described in Chapter 115 Buildings, Unsafe.

140-10. Operating Permits.

- A. Operating Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:
 - (1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS.
 - (2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:
 - I. Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust.
 - II. Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS.
 - III. Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas.
 - IV. Chapter 26, "Fumigation and Insecticidal Fogging." Conducting

fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling.

- V. Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS.
 - VI. Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage.
 - VII. Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant.
 - VIII. Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling.
 - IX. Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse.
 - X. Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270; and with Town Code, Chapter 178 Fireworks and Explosives.
 - XI. Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces.
 - XII. Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies.
 - XIII. Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle in accordance with the permitting requirements established by Local Law Number as now in effect or as hereafter amended from time to time.
- (3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.
- (4) buildings containing one or more assembly areas.
- (5) outdoor events where the planned attendance exceeds 1,000 persons.
- (6) facilities that store, handle or use hazardous production materials.
- (7) parking garages as defined in subdivision (a) of section 13 of this local law.
- (8) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town of Lancaster.

- (9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Town Board of this Town of Lancaster.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

- B.** Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- C.** This subdivision is intentionally omitted.
- D.** Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Town of Lancaster sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.
- E.** Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in their discretion, issue a single Operating Permit to apply to all such activities.
- F.** Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:
- (1) 180 days for tents, special event structures, and other membrane structures.
 - (2) 60 days for alternative activities at a sugarhouse.
 - (3) 3 years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this section.
 - (4)
 - (5) 1 year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

- G.** Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.
- H.** Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

140-11. Fire Safety and Property Maintenance Inspections

A. Fire Code Operational Permits:

- (1) Fire Code Operational Permits shall be required for any Occupancy regulated by Fire Safety and Property Maintenance Inspection requirements.
- (2) Applications for permits under this article shall be made to the Building Inspector of the Town of Lancaster with payment of the required permit fee to the Town Clerk. Upon approval of the permit application, the Building Inspector shall issue a permit to the applicant, which permit shall specify:
 - (a) The activity or operation for which the permit is issued.
 - (b) The address and location where the activity or operation is to be conducted.
 - (c) The name and address of the permittee.
 - (d) The permit number and date of issuance.
 - (e) The period of permit validity.
- (3) Transferability. Permits shall not be transferable, and any change in activity, operation, location, ownership or use shall require a new permit.
- (4) Permit Term. Permits shall be valid for a period of time specified in (a) (1)-(3) below and shall, in any case, be valid for no longer than the time specified or until revoked by the Building Inspector for transfer violation, as defined in Subsection A (2) of this section, or destruction of the premises.
- (5) Location. Permits shall be conspicuously posted on the premises covered by the permit.
- (6) Revocation. Permits may be revoked when it is determined that there is a violation of any condition under which the permit is issued or where there has been misrepresentation or falsification of material facts in connection with the permit application.

B. Inspections required. Fire Safety and Property Maintenance Inspections of buildings and structures shall be performed by the Code Enforcement Officer, or an Inspector designated by the Code Enforcement Officer at the following intervals:

- (1) at least once every 12 months for buildings which contain an assembly area.
- (2) at least once every 12 months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities.
- (3) at least once every 36 months for multiple dwellings and all nonresidential occupancies.

C. Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part

1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

D. Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:

- (1) the request of the owner of the property to be inspected or an authorized agent of such owner.
- (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist.
- (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist.

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

E. OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

- (1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e).
- (2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection.
- (3) such inspections are performed no less frequently than once a year.
- (4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and
- (5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by 140-17 (Violations) of this local law.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

140-12. Complaints

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- A. performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection.
- B. if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 17 (Violations) of this local law.
- C. if appropriate, issuing a Stop Work Order.
- D. if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

140-13. Condition Assessments of Parking Garages.

A. Definitions. For the purposes of this section:

- (1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure.
- (2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component.
- (3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
 - (i) buildings in which the only level used for parking or storage of motor vehicles is on grade.
 - (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
 - (iii) a townhouse unit with attached parking exclusively for such unit.
- (4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations.
- (5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

- (6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and
 - (7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- B. Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Town of Lancaster, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.
- C. Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:
- (1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.
 - (2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:
 - (i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019.
 - (ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
 - (iii) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.
 - (3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to six (6) months after the effective date of this local law.
- D. Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.
- E. Additional Condition Assessments.
- (1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.
 - (2) If the Town of Lancaster becomes aware of any new or increased deterioration which, in the judgment of the Town of Lancaster, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage

affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Town of Lancaster to be appropriate.

- F. Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Town of Lancaster within 30 days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:
- (1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure.
 - (2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure.
 - (3) an evaluation and description of the unsafe conditions.
 - (4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions.
 - (5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions.
 - (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions.
 - (7) the responsible professional engineer's recommendation regarding preventative maintenance.
 - (8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report.
 - (9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.
- G. Review Condition Assessment Reports. The Town of Lancaster shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Town of Lancaster shall, by Order to Remedy or such other means of enforcement as the Town of Lancaster may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Town of Lancaster to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

H. The Town of Lancaster shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Town of Lancaster with a written statement attesting to the fact that he or she has been so engaged, the Town of Lancaster shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Town of Lancaster shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

I. This section shall not limit or impair the right or the obligation of the Town of Lancaster:

- (1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this local law.
- (2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 (Fire Safety and Property Maintenance Inspections) of this local law, and/or
- (3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Town of Lancaster by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

140-14. Climatic and Geographic Design Criteria.

A. The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this Town of Lancaster as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

- (1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature.
- (2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and
- (3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

(i) the accompanying Flood Insurance Rate Map (FIRM).

(ii) Flood Boundary and Floodway Map (FBFM).

(iii) related supporting data along with any revisions thereto.

B. The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

140-15. Record Keeping.

- A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:
- (1) all applications received, reviewed and approved or denied.
 - (2) all plans, specifications and construction documents approved.
 - (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued.
 - (4) all inspections and tests performed.
 - (5) all statements and reports issued.
 - (6) all complaints received.
 - (7) all investigations conducted.
 - (8) all condition assessment reports received.
 - (9) all fees charged and collected.
 - (10) all other features and activities specified in or contemplated by sections 4 through 14, inclusive, of this local law.
- B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

140-16. Program Review and Reporting.

- A. The Code Enforcement Officer shall annually submit to Town Board of this Town of Lancaster a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 14 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.
- B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town of Lancaster, on a form prescribed by the Secretary of State, a report of the activities of this Town of Lancaster relative to administration and enforcement of the Uniform Code.
- C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this Town of Lancaster is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

140-17: Violations

- A. Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code

Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by _____ [*specify date*], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

B. Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

C. Penalties. In addition to such other penalties as may be prescribed by State law,

(1) any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than \$250 per day of violation, or imprisonment not exceeding 15 days, or both.

(2) any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than \$250 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this Town of Lancaster.

D. Injunctive Relief. An action or proceeding may be instituted in the name of this Town of Lancaster, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any

Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town of Lancaster, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of this Town of Lancaster.

- E. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

140-18: Fees

A fee schedule shall be established by resolution of the Town Board of this Town of Lancaster. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

140-19. Intermunicipal Agreements.

The Town Board of this Town of Lancaster may, by resolution, authorize the Lancaster Town Supervisor of this Town of Lancaster to enter into an agreement, in the name of this Town of Lancaster, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

140-20. Partial Invalidity

Should any provision of this Local Law be declared by the courts to be unconstitutional, invalid, or ineffective such decision shall not be deemed to affect, impair, or invalidate the remainder of the local law.

140-21. Effective Date.

This Local Law shall be effective upon its filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

THE FOLLOWING RESOLUTION WAS OFFERED 7
BY COUNCIL MEMBER LEARY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Town of Lancaster Town Code provide for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the Year 2022 entitled “**CHAPTER 258. PERMIT AND APPLICATION FEES REVISION**”, of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Council Member Leary on the 21st day of November 2022, and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action and has issued a negative declaration, and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on December 5, 2022, where all interested parties were allowed to address the proposed Local Law.

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

- 1. The attached Local Law **No. 8 of 2022** is hereby adopted.
- 2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 19, 2022

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 8 OF THE YEAR 2022
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, County of Erie, State of New York, on December 19, 2022, Local Law No. 8 of the Year 2022, which amends the Town of Lancaster Town Code by repealing the current “Chapter 258. Permit and Application Fees” in its entirety and replacing it with a revised “Chapter 258. Permit and Application Fees” in order to comply with New York State standards. Copies of the Local Law are on file for review in the Lancaster Town Hall, 21 Central Avenue and on the Town of Lancaster’s website, <http://www.lancasterny.gov>.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER**

**By: DIANE M. TERRANOVA
Town Clerk**

December 22, 2022

Town of Lancaster
Local Law No. 8 of 2022

A Local Law repealing the current and enacting a revised Chapter 258 of the Town of Lancaster Town Code, in its entirety to comply with New York State Standards.

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1: Chapter 258. Permit and Application Fees, of the Town of Lancaster Town Code is hereby deleted in its entirety.

Section 2: The Town of Lancaster Town Code is hereby amended to add revised Chapter 258. Permits and Application Fees, to the Code, in order to comply with New York State requirements, which will read in its entirety as follows:

Chapter 258. Permit and Application Fees

Article I. General Fees

§ 258-1 Repealer; amendment.

The Permit and Application Fees Ordinance heretofore adopted by the Town Board of the Town of Lancaster on October 28, 1958 and known as Chapter 30 of the Code of the Town of Lancaster, is hereby repealed, and the Zoning Ordinance[1] and other ordinances of the Town of Lancaster are hereby amended so as to provide fees for applications and permits. All such fees shall be payable to the Town Clerk at the Town of Lancaster Town Hall.

[1] Editor's Note: See Ch. 400, Zoning.

§ 258-2 Building permits required.

Before any person shall erect, construct, alter, move, demolish or commence to erect, construct, alter, move or demolish any building or structure within the Town of Lancaster exclusive of the villages therein, such person shall first apply for and obtain a building permit from the Building Inspector upon the prescribed form.

- A. Work started without a permit will be assessed a fee of \$200.00 minimum or up to 50% of a permit fee.
- B. Where a permit is acquired for the erection of a building for one purpose and it is to be used for a different purpose after it is constructed, approval must be obtained from the Town Board and recorded via resolution which will then direct the Code Enforcement Officer as to issuance or rejection of the Certificate of Occupancy.

§ 258-3 Building permit fees for residential construction.

- A. One-family dwelling: \$125.
- B. Multiple dwelling: \$125 per unit. Includes two or more dwelling units, townhouses, condominiums, and apartment buildings.
- C. Truss-type construction for new buildings or additions to buildings where additional floor space is added: a fee of \$50, plus the cost of the required sign to be placed on premises identifying this type of construction.

§ 258-4 Building permit fees for nonresidential construction.

- A. New commercial construction: \$0.40 per square foot.
- B. Renovation of existing commercial: \$0.25 per square foot.
- C. Communication towers.
 - (1) Communication towers: a fee of \$5,000 for a tower up to 150 feet; and for height exceeding 150 feet, an additional cost of \$100 per foot so exceeding 150 feet.
 - (2) Additions to communication towers or communication antennas for commercial use added to an existing building or structure: a fee of \$2,000.

- (3) Co-location of communication arrays or antennas on an existing tower or structure: a fee of \$2,000, except on those towers situated on Town-owned property from which the Town derives a co-location fee.
- (4) Alterations and modification to existing, Co-location systems: \$40 plus \$5, for each \$1,000, thereof

D. Truss-type construction for new buildings or additions to buildings where additional floor space is added: a fee of \$50, plus the cost of the required sign to be placed on premises identifying this type of construction.

[1]Editor's Note: This local law also provided that from its effective date, the specific fees established in Chapter 258 of the Town of Lancaster Town Code may be amended by resolution of the Town Board, after a public hearing, adopting a schedule of fees, and that said schedule may be adopted as part of the budget process, in which case any public notice as to the budget and public hearing thereon shall also include any changes in the schedule of fees.

§ 258-5 Repairs, alterations, additions and private accessory structures.

- A. Existing residential dwelling: \$40, plus \$0.25 per square foot.
- B. Garage, porch, deck: \$40, plus \$0.15 per square foot.
- C. Fences: \$40, plus \$0.10 per linear foot.
- D. Sheds: \$40.
- E. Antennas and radio tower: \$40, plus \$0.10 per linear foot.
- F. Television dishes three feet wide or greater: \$40.
[Amended 11-15-2010 by L.L. No. 2-2010]
- G. Wood stoves and fireplaces: \$40.
- H. Pools:
- (1) Inground and Above Ground Pools or Spas- \$25, plus \$6 per \$1,000.
- (2) Temporary/Storable Pools- \$25

I. Miscellaneous:

<u>Value</u>	<u>Fee</u>
Up to \$100	\$25
\$101 to \$500	\$35
\$501 to \$1,000	\$40
For each \$1,000 or part thereof	\$5

§ 258-6 Certificate of occupancy.

Fees for certificates of occupancy shall be as follows:

A. Change in use & New building.

<u>Value</u>	<u>Fee</u>
Up to \$10,000	\$25
\$10,001 to \$20,000	\$35
\$20,001 to \$50,000	\$40

§ 258-7 Signs.

Fees for signs shall be as follows:

A. Portable ground sign: \$35.

B. All other signs:

<u>Total Face Area</u>	<u>Fee</u>
Up to 25 square feet	\$40
Over 25 square feet	\$40, plus \$0.50 for each additional square foot

§ 258-8 Liquid containers.

Fees for liquid containers shall be as follows:

<u>Capacity (gallons)</u>	<u>Fee</u>
Up to 1,000	\$50
1,000 to 6,000	\$100
6,000 to 12,000	\$150
Excess of 12,000	\$150 plus \$6 per 1,000 gallons thereof

§ 258-9 Moving buildings.

The fees for moving buildings shall be as follows:

- A. From one location to another within the Town: \$300:
- B. From one location to another without crossing a public thoroughfare: \$25.
- C. Crossing public thoroughfare: a surety bond in an amount to be approved by the Town Attorney.

§ 258-10 Gas stations.

The fee for gasoline or fuel oil pumps shall be \$100, plus \$25 per pump.

§ 258-11 Private gas pump.

The fee for a private gas pump shall be \$50.

§ 258-12 Miscellaneous buildings and structures.

The fee for a building permit required for miscellaneous buildings and structures, including but not limited to conveyors, stone crushers, gravel washers, barns or other buildings, shall be \$150.

§ 258-13 Demolition of buildings.

The fee to demolish, wreck or destroy any building or structure shall be as follows:

<u>Cost of Demolition</u>	<u>Fee</u>
Up to \$1,000	\$40
\$1,001 to \$5,000	\$60
\$5,001 or more thereof	\$80 plus \$25, for each \$1,000, thereof

§ 258-14 Zoning Board of Appeals fees.

Zoning Board of Appeals fees:

- A. Fees for use and area variances, zoning interpretations, or administrative appeals are set forth as follows:

<u>Type</u>	<u>Residential</u>	<u>Nonresidential</u>
Use variance (single)	\$150	\$225
Area variance (single)	\$150	\$225
Area variance (each additional)	\$12 each	\$12 each
Interpretation	\$150	\$225
Other (administrative appeal)	\$150	\$225

A temporary revocable permit as described in Chapter 400, Zoning, § 400-64D of the Code of the Town of Lancaster: \$100.

§ 258-15 Application for rezoning.

A. The application fees for a rezoning application to the Town Board are as follows:

<u>Type</u>	<u>New Zone: Residential</u>	<u>New Zone: Nonresidential</u>
Base Fee	\$550	\$750
For each acre of the lot size	\$25 per acre	\$45 per acre

B. Required mailings.

In connection with an application for rezoning, the applicant shall, under the direction of the Town Clerk, mail notice, including a copy of the entire rezoning application package, to all property owners within 200 feet of the perimeter of the area proposed to be rezoned. The applicant shall directly pay all costs associated with these mailings. The applicant is required to complete and file an affidavit with the Town Clerk stating that the required mailings were completed in accordance with this subsection.

§ 258-16 Special use permit application.

A. The application fees for special-use permit under Chapter 400, Zoning, of the Code of the Town of Lancaster are as follows:

- (1) Residential: \$350.
- (2) Nonresidential: \$650.

B. The application fee for an application for a special use permit under Chapter 163, Excavations, of the Code of the Town of Lancaster shall be \$5,000.

§ 258-17 Application for approval of subdivision.

Application fees for subdivision approvals:

A. Application fees for the submittal and review of the sketch plan are as follows:

- (1) Base fee: \$550.
- (2) For each lot: \$50.

B. Application fees for the submittal and review of the preliminary plat, or amendment of approved preliminary plats, are as follows:

- (1) Base fee: \$550.
- (2) For each lot: \$50.

C. Application fees for the submittal and review of the final plat or amendment of approved final plats, are as follows:

- (1) Base fee: \$225.
- (2) For each lot: \$25.

D. Application fees for the creation of additional lots, where a plat is not being amended: \$100 per lot.

E. Engineering fee: for subdivisions up to four lots: \$500; all other subdivisions: \$750.

§ 258-18 Plumbing work.

A. For each plan filed for a one- or two-family dwelling, the fee shall be as follows:

- (1) One full bathroom: \$15.
- (2) Half bathroom: \$7.50.
- (3) Laundry room or laundry setup: \$7.50.

B. For each plan filed for other structures the fee shall be: \$25, plus the following:

<u>Number of Fixtures</u>	<u>Additional Fee</u>
First 100	\$2.00
Second 100	\$1.50
Third 100	\$1.00
Fourth 100	\$0.50
Over 400	\$0.50

§ 258-19 Hot-water heaters and conductors.

In addition thereto, all applications shall include the following fees:

- A. For each outside conductor: \$1.
- B. For each inside conductor: \$2.
- C. For hot-water heaters under 100 gallons: \$2.
- D. For hot-water heaters over 100 gallons: \$6.
- E. For each reinspection: \$25.

§ 258-20 Public improvement permits; private improvement permits.

A. **Definitions.** The following terms, when used in this section, shall have the meanings herein stated:

PRIVATE IMPROVEMENT

The construction of pavement and curbs, waterlines, storm sewers, drainage detention areas and streetlights, which improvements are not dedicated to the Town but remain in private ownership, shall be considered private improvements.

PUBLIC IMPROVEMENT

The construction of pavement and curbs, waterlines, storm sewers, drainage detention areas and streetlights, which improvements are dedicated to the Town, shall be considered public improvements.

B. Public and private improvement fees shall be as follows:

[Amended 11-15-2010 by L.L. No. 2-2010]

(1) The permit fee, due upon application, shall be \$500.

(2) Inspection fees for public and private improvement permits shall be in sum equal to 8% of the estimated cost of construction.

[Amended 5-6-2019 by L.L. No. 2-2019]

(3) The application for both public and private improvement permits shall contain a statement by the applicant of the estimated cost of construction, together with an explanation of how this figure is derived. Final determination of estimated cost of construction shall be determined by the Town of Lancaster upon review of the application with proposed plans.

(4) In the event that the actual inspection cost exceeds the 8% collected, the applicant will reimburse the Town for the actual cost of the inspection. Any remaining funds above the actual costs of the Town's inspection shall be returned to the applicant.[1]

[1]Editor's Note: Original Subsection C, Private improvement permit fees, which immediately followed this subsection, was repealed 6-1-2015 by L.L. No. 7-2015.

§ 258-21 Reinspection.

The fee for each reinspection or certificate of occupancy for existing structures shall be \$50.

§ 258-22 Operational permit for seasonal use.

The fee for an operational permit for seasonal use (Christmas trees, etc.) shall be \$40.

§ 258-23 Plumbing fee.

The minimum fee for plumbing shall be:

A. On one application for single-family residence dwelling: \$40.

B. On one application for a two-family or multiple dwelling: \$25 per unit, plus an additional fee for all re-inspections exceeding three.

§ 258-24 Payment of fees to Clerk.

All permit fees are to be paid to the Town Clerk at the time of filing the application for the permit.

§ 258-25 Recreation filing fee.

A. A recreation filing fee shall be paid by the building permit applicant with each residential building permit application, or, in the alternative, at the option of the Town Board, upon the recommendation of the Planning Board, the Town may accept a contribution of land by a subdivision applicant or developer for future development of recreation area, provided that such use will conform generally to the recreational master plan of the Town of Lancaster.

B. The fee schedule where the Town imposes a recreation filing is as follows:

(1) Single-family dwelling: \$1,250 per lot.

(2) Multiple dwelling: \$1,250 for each dwelling unit.

§ 258-26 Tree reforestation fee.

A tree reforestation fee shall be paid into the Tree Restoration Fee Trust Fund by the building permit applicant with each residential or commercial building permit application as follows:

A. Single-family dwelling: \$250 per lot.

B. Multiple dwelling, townhouse, condominium, apartment:

(1) On a dedicated road: \$150 for the first dwelling, plus \$75 for each additional dwelling unit.

(2) On a private road: \$300 per acre or part thereof.

C. Hotels and motels: \$300 per acre or part thereof.

D. Commercial and industrial building: \$300 per acre or part thereof.

§ 258-27 Establishment of improvement values.

The establishment of improvement values shall be as follows:

A. For determining the fee for a certificate of occupancy:

(1) Renovation of existing commercial: \$70 per square foot.

(2) New commercial construction: \$100 per square foot.

(3) Renovation of existing dwelling: \$75 per square foot.

(4) New dwelling construction: \$130 per square foot.

(5) Garages and porches: \$20 per square foot.

B. New commercial construction: \$70 per square foot.

C. Renovation of existing dwelling: \$25 per square foot.

D. New dwelling construction: \$50 per square foot.

E. Garages and porches: \$15 per square foot.

§ 258-28 Severability.

If any section, paragraph, subdivision, clause, phrase or provision of this article shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this article as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

§ 258-29 Conflicting provisions; higher standards to prevail.

Where this article imposes greater restrictions or requires higher standards than any law, ordinance, regulation or private agreement, this article shall control. Where greater restrictions or higher standards are imposed by any law, ordinance, regulation or private agreement, such greater restrictions and higher standards shall control.

§ 258-30 Penalties for offenses.

A. For each and every willful violation of the provisions of this article, the owner, general agent or contractor of a building or premises where such violations have been committed or shall exist, and if such persons cannot be found with due diligence by the officials of this Town, then the lessee or tenant of the premises where such violations have been committed or shall exist shall be guilty of an offense, punishable by a fine of not more than \$250 or imprisonment of 10 days, or both. Such fines shall be levied and collected as like fines are now by law collected.

B. A second conviction under any of the provisions of this article shall, in addition, subject the violator to cancellation of any licenses or permits under this specific ordinance now in existence issued to such person, firm or corporation by the Town of Lancaster.

§ 258-31 Public notice fee.

A. The fee for publication of legal notice in an official newspaper is \$50.

B. Re-advertisement fee: \$50. The applicant's request for postponement may require a re-advertisement fee.

§ 258-32 Transcript fee.

For any proceeding before a Town body for which a transcript is prepared by other than Town staff, the applicant shall pay all costs of transcription and shall provide the Town with a copy of the transcript.

§ 258-33 State Environmental Quality Review Act fees.

The Town is subject to the State Environmental Quality Review Act:[1] In addition to any other fees imposed by this section, to cover professional expenses in reviewing submittals, any application for a non-Type II activity shall, in addition to any other fees imposed, include the following State Environmental Quality Review Act Review fees.

A. Review fee for a short-form EAF: \$100.

B. Review fee for a long-form EAF: \$250.

C. Applications may require the lead agency to engage professional services as part of the review process. Such services may include an engineer, planning consultant or other specialist necessary for the agency to make an informed decision. Expenses incurred by the Town for this purpose shall be fair and reasonable and shall be reimbursed to the Town by the applicant in the amount of the actual expense incurred. An escrow account shall be established for this purpose by the applicant in an amount suggested by the reviewing board, if it determines that such services are required. Should the required escrow be depleted before final approval, the applicant will be advised that additional monies must be deposited before review will continue.

[1]Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

§ 258-34 Miscellaneous fees.

- A. Construction trailer fee: \$100.
- B. Temporary certificates of occupancy or other interim certificates (Fee is due in addition to fees for final certificate.): \$25.
- C. Reinspection fees: \$50.
- D. Zoning confirmation letters: \$50.

§ 258-35 Site plan review fee.

- A. **Definitions.** For the purpose of this article, certain terms are defined as follows:

DEVELOPMENT AREA

An area of land permitted by this article to be developed by a single owner or group of owners acting jointly, which may consist of a parcel or assembled parcels planned and developed as an entity.

SITE PLAN

- (1) Any site development plan for residential developments that contain three or more single-family dwellings in a planned cluster development, other than dwellings contained in a subdivision subject to processing under the subdivision regulations of the Town of Lancaster.
- (2) Any site development for residential developments that contain three or more multifamily dwelling units.
- (3) Any site development plan for apartment houses, townhouse units, condominium units or commercial, industrial, recreational, religious or institutional developments.

- B. A site plan review fee is required. Where an application is made to the Town of Lancaster to review or amend a site plan as required by Chapter 400, Zoning, of the Code of the Town of Lancaster, the following site plan review fees shall be imposed as part of the review process:

<u>Area (Acres)</u>	<u>Fee</u>
0 to 1	\$600
Greater than 1	\$600 plus \$175 for each additional acre or fraction thereof

§ 258-36 Stormwater pollution prevention plan review and inspection fee.

A stormwater pollution prevention plan review and inspection fee shall be paid by the applicant for the review of the stormwater pollution prevention plan (SWPPP), the review of any subsequent revisions to a SWPPP, and all inspections of development activities/sites associated with enforcing/overseeing implementation of the SWPPP as follows:

- A. For single-phase residential and commercial development projects (Scheme A):

<u>Area Acres</u>	<u>Fee</u>
0 to 5	\$500
5 to 10	\$850

Greater than 10 \$850 plus \$300 for each additional 5 acres (or a fraction thereof) over 10

- B. For multiphase residential and commercial development projects (Scheme B):

- (1) When the entire project is first being reviewed and approved by the municipality, use Scheme A above to determine an initial fee based on the entire acreage of the project to be developed in several phases.
- (2) Add \$500 for each subsequent phase after the first initial phase, to be collected at the beginning of each subsequent phase.

258-37. Severability

Should a court determine that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is unconstitutional or invalid, such court order or judgement shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence paragraph, subdivision, or part of this Local Law or in its application to the person, firm, corporation, or circumstance, directly involved in the controversy in which such order or judgement shall be rendered.

§ 258-38. Effective Date.

This Local Law shall be effective upon its filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

WHEREAS, the Town of Lancaster Town Board (“Board”) is proposing a Local Law to amend Chapter 400 Zoning, Article XIV Administration and Enforcement, Section 75 Site plan review, by adding subsection § 400-75(D)(9)(d), and amending subsection § 400-75(E)(1) of the Code of the Town of Lancaster (“Code”) (“Action”), and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this Action pursuant to SEQR regulations at their meeting on December 7, 2022 and recommended that a Negative Declaration be issued, and

WHEREAS, the Board has duly considered the Action, the Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c), and such other information deemed appropriate, and

WHEREAS, the Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination.

**NOW, THEREFORE,
BE IT RESOLVED, as follows:**

1. Based upon a thorough review and examination of the known facts relating to the Action and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings relating to the Action, the Board finds that the Action will not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement will not be prepared.
2. The attached Negative Declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the attached Negative Declaration.
3. The Town Clerk is hereby authorized and directed to distribute copies of the Resolution as necessary.
4. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 19, 2022

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: December 19, 2022

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act ("SEQRA")).

The Town of Lancaster Town Board ("Board"), as lead agency, has determined that adoption of a Local Law amending Chapter 400 Zoning, Article XIV Administration and Enforcement, Section 75 Site plan review, by adding subsection § 400-75(D)(9)(d), and amending subsection § 400-75(E)(1) of the Code of the Town of Lancaster will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Local Law 9 of 2022 amending the Town of Lancaster Town Code relating to site plan approval extension requests.

Location of Action: The Town of Lancaster, New York.

SEQRA Status: Type I Action.

Description of Action: The Board has reviewed the Local Law Amending Planning Board approval requirements and setting timeframes for approval extension requests.

Reasons Supporting this Determination:

The Board has identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required by SEQRA. The Board compared the Action with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR §§ 617.7(c)(2) and (3). As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Action will not have a significant adverse impact on the environment.

1. Impact on land - **No impact.**
2. Impact on Geological Features – **No impact.**
3. Impacts on Surface Water – **No impact.**
4. Impact on Groundwater – **Impact.**
5. Impact on Flooding – **No impact.**
6. Impact on Air – **No impact.**
7. Impact on Plants and Animals – **No impact.**
8. Impact on Agricultural Resources – **No impact.**
9. Impact on Aesthetic Resources – **No impact.**
10. Impact on Historic and Archeological Resources – **No impact.**
11. Impact on Open Space and Recreation – **No impact.**
12. Impact on Critical Environmental Areas – **N/A**
 - **The Town of Lancaster has not established a Critical Environmental Area (CEA).**

- 13. Impact on Transportation – **No impact.**
- 14. Impact on Energy – **No impact.**
- 15. Impact on Noise, Odor and Light – **No impact.**
- 16. Impact on Human Health – **No impact.**
- 17. Consistency with Community Plans – **Impact.**
- 18. Consistency with Community Character – **No impact.**

For Further Information:

Contact Person: Thomas E. Fowler, Jr., Town Attorney

Address: Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Telephone Number: (716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

WHEREAS, the Town of Lancaster Town Board (“Board”) is proposing a Local Law to amend Chapter 400 Zoning, Article VIII Regulations Applying to All Districts, Section 38 Subdivisions, by amending subsections § 400-38(H)(4)(d), (5)(f), (8), and adding 400-38(H)(9) & (10) to the Code of the Town of Lancaster (“Code”) (“Action”), and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this Action pursuant to SEQR regulations at their meeting on December 7, 2022 and recommended that a Negative Declaration be issued, and

WHEREAS, the Board has duly considered the Action, the Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c), and such other information deemed appropriate, and

WHEREAS, the Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination.

**NOW, THEREFORE,
BE IT RESOLVED, as follows:**

1. Based upon a thorough review and examination of the known facts relating to the Action and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings relating to the Action, the Board finds that the Action will not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement will not be prepared.
2. The attached Negative Declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the attached Negative Declaration.
3. The Town Clerk is hereby authorized and directed to distribute copies of the Resolution as necessary.
4. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 19, 2022

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: December 19, 2022

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act ("SEQRA")).

The Town of Lancaster Town Board ("Board"), as lead agency, has determined that adoption of a Local Law amending Chapter 400 Zoning, Article VIII Regulations Applying to All Districts, Section 38 Subdivisions, by amending subsections § 400-38(H)(4)(d), (5)(f), (8), and adding 400-38(H)(9) & (10) to the Code of the Town of Lancaster will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Local Law 10 of 2022 amending the Town of Lancaster Town Code relating to subdivision approvals, extensions, and permit requirements.

Location of Action: The Town of Lancaster, New York.

SEQRA Status: Type I Action.

Description of Action: The Board has reviewed the Local Law amending the approval process for Plat Plans, setting timeframes for approval extensions, and adding permit requirements.

Reasons Supporting this Determination:

The Board has identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required by SEQRA. The Board compared the Action with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR §§ 617.7(c)(2) and (3). As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Action will not have a significant adverse impact on the environment.

1. Impact on land - **No impact.**
2. Impact on Geological Features – **No impact.**
3. Impacts on Surface Water – **No impact.**
4. Impact on Groundwater – **Impact.**
5. Impact on Flooding – **No impact.**
6. Impact on Air – **No impact.**
7. Impact on Plants and Animals – **No impact.**
8. Impact on Agricultural Resources – **No impact.**
9. Impact on Aesthetic Resources – **No impact.**
10. Impact on Historic and Archeological Resources – **No impact.**
11. Impact on Open Space and Recreation – **No impact.**

12. Impact on Critical Environmental Areas – **N/A**
 - **The Town of Lancaster has not established a Critical Environmental Area (CEA).**
13. Impact on Transportation – **No impact.**
14. Impact on Energy – **No impact.**
15. Impact on Noise, Odor and Light – **No impact.**
16. Impact on Human Health – **No impact.**
17. Consistency with Community Plans – **Impact.**
18. Consistency with Community Character – **No impact.**

For Further Information:

Contact Person: Thomas E. Fowler, Jr., Town Attorney

Address: Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Telephone Number: (716) 684-3342

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Town of Lancaster Town Code provide for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the Year 2022 entitled “**SITE PLAN REVIEW APPROVAL EXTENSION REVISION**”, of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Council Member Mazur on the 7th day of November, 2022, and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type I action and has issued a negative declaration, and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on November 21, 2022, where all interested parties were allowed to address the proposed Local Law.

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. The attached Local Law **No. 9 of 2022** is hereby adopted.
2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 19, 2022

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 9 OF THE YEAR 2022
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, County of Erie, State of New York, on December 19, 2022, Local Law No. 9 of the Year 2022, which amends Chapter 400 Zoning, Article XIV Administration and Enforcement, § 400-75(D)(9) Site plan review procedures by adding (d) and amending (E)(1) of the Town Code of the Town of Lancaster. Copies of the Local Law are on file for review in the Lancaster Town Hall, 21 Central Avenue and on the Town of Lancaster's website, <http://www.lancasterny.gov>.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER**

By: DIANE M. TERRANOVA
Town Clerk

December 22, 2022

Town of Lancaster
Local Law No. 9 of 2022

**A Local Law Amending the Town Code Related to Certain Zoning Approvals Under
§ 400 to Clarify the Time for an Applicant to Request an Approval Extension.**

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1. Section 400-75(D)(9)(d) of Chapter 400 of Article XIV of the Town Code is hereby added to read in its entirety as follows:

D. Site plan review procedure.

9. Except for subdivisions that have been duly filed in the office of the County Clerk, if construction of an approved development (site plan) has not commenced within two (2) years from the date of site approval, that approval shall be deemed revoked. A one-time additional one-year (1) extension **may** be granted by the Town Board upon receipt of the following:

A. A written request for extension must be submitted to the Town Board, Town Clerk, and Town Attorney's Office.

B. The written extension request must be applied for within 30 days of the expiration of the approval. If an extension is necessary for compliance, but not sought within this timeframe, then the approval shall be rescinded. Under these circumstances, applicants may re-apply for approval.

C. Request must include a current Environmental Assessment Form, and comply with current State, County and Town Zoning and Building Codes/Laws/Regulations.

D. Applicant must present to and receive approval recommendation from, the Town's Planning Board/Department.

Section 2. **Subsection 400-75 (E)(1)** of Chapter 400 Article XIV of the Town Code is hereby amended to read in its entirety as follows:

(E) Enforcement of site plan; security; penalty.

(1) Upon approval of a site plan, the owner/developer shall meet the conditions imposed by the Town Board, including but not limited to landscaping, buffer zones, fencing, finished exteriors, parking areas, dumpster location, etc., within 60 days of issuance of the certificate of occupancy by the Building Inspector, unless written extension is granted by the Town Board. Such a written extension must be sought by the applicant and obtained prior to the expiration of any such approval. **Such an extension must be applied for in writing to the Town Board within 30 days of the expiration of the approval. If an extension is necessary for compliance, but not sought within this timeframe, then the approval shall be rescinded. Under these circumstances, applicants may re-apply for approval.**

Section 3. **Severability Clause.** If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Town Board of the Town of Lancaster hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Section 4. **Effective Date.** This local law shall be effective immediately upon filing with the New York Secretary of State.

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Town of Lancaster Town Code provide for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the Year 2022 entitled “**SUBDIVISION APPROVAL REVISION**”, of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Council Member Mazur on the 7th day of November, 2022, and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type I action and has issued a negative declaration, and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on November 21, 2022, where all interested parties were allowed to address the proposed Local Law.

NOW, THEREFORE,
BE IT RESOLVED, by the Town Board of the Town of Lancaster that:

1.

The attached Local Law **No. 10 of 2022** is hereby adopted.
2.

The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 19, 2022

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 10 OF THE YEAR 2022
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, County of Erie, State of New York, on December 19, 2022, Local Law No. 10 of the Year 2022, which amends Chapter Article VIII Regulation Applying to All Districts, Section 38 Subdivision, by amending subsection § 400-38(H)(4)(d),(5)(f),(8); and adding subsections § 400-38(H)(9) Model Home Permits and (H)(10) Building Permits to the Town Code of the Town of Lancaster. Copies of the Local Law are on file for review in the Lancaster Town Hall, 21 Central Avenue and on the Town of Lancaster's website, <http://www.lancasterny.gov>.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER**

By: DIANE M. TERRANOVA
Town Clerk

December 22, 2022

**Town of Lancaster
Local Law No. 10 of 2022**

A Local Law Amending Subsection § 400-38(H)(4)(d) Approval of Minor Subdivision, Planning Board recommendation, (5)(f) Approval of preliminary plat of Major Subdivision, (8) Filing of a Final Plat; and adding (9) Model Homes and (10) Building Permits to the Town Code of the Town of Lancaster

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 5.

Subsection 400-38(H)(4)(d) Approval of a minor subdivision of Chapter 400 of Article VIII of the Town Code is hereby amended to read in its entirety as follows:

- (d) Planning Board recommendation. Upon receipt of the application fee, the Town Clerk shall so notify the Planning Board and the Planning Board shall, within 45 days or thereafter, review the proposed minor subdivision and provide comments; within sixty-two (62) days or thereafter upon receipt of a complete application (including all requested amendments), the Planning Board shall hold a public hearing and conduct a **State Environmental Quality Review** (SEQR). Upon a Negative or Positive Declaration and any necessary Variances being granted, the Planning Board shall make its recommendations to the Town Board to modify, modify and approve, or disapprove the proposed minor subdivision. If a SWPPP was submitted pursuant to **§ 400-38H** of this chapter, the Planning Board shall not recommend approval of the minor subdivision plat unless the SWPPP and plat comply with the performance and design criteria and standards set forth in Chapter **300**, Stormwater Management and Erosion and sediment control, and **§ 400-71**, Stormwater pollution prevention plans, of the Town Code. Stormwater pollution prevention plans. The Planning Board and/or the Town Board may require, however, when it is deemed necessary for protection of the public health, safety, and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions. If the Planning Board should require that the proposed minor subdivision comply with all or some of the requirements specified for major subdivisions, it shall so state in its recommendation to the Town Board. The recommendation of approval of the plat, subject to conditions, revisions and modifications as stipulated by the Planning Board, shall not constitute Town Board approval of the subdivision, but rather, the Town Board shall be the sole authority to grant such approval.

Section 6.

Subsection 400-38(H)(5)(f) Approval of preliminary plat of a major subdivision of Chapter 400 of Article VIII of the Town Code is hereby amended to read in its entirety as follows:

- (f) Planning Board recommendation. the Planning Board and the Planning Board shall, within 60 days or thereafter, of its receipt of the preliminary plat, review the proposed major subdivision and provide comments; within sixty-two (62) days or thereafter upon receipt of a complete application (including all requested amendments), the Planning Board shall hold a public hearing and conduct a **State Environmental Quality Review** (SEQR). Upon a Negative or Positive Declaration and any necessary Variances being granted, the Planning Board shall forward the plat to the Town Board with its recommendations to modify, modify and approve, or disapprove the proposed preliminary plat. If a SWPPP was submitted pursuant to **§ 400-38H** of this chapter, the Planning Board shall not recommend approval of the preliminary plat unless the SWPPP and preliminary plat comply with the performance and design criteria and standards set forth in Chapter **300**, Stormwater Management and Erosion and sediment control, and **§ 400-71**, Stormwater pollution prevention plans, of the Town Code. The recommendation of approval of the preliminary plat, subject to conditions, revisions and modifications as stipulated by the Planning Board, shall not constitute Town Board approval of the subdivision, but rather, the Town Board shall be the sole authority to grant such approval.

Section 7. **Subsection 400-38(H)(8)** of Chapter 400 of Article VIII of the Town Code is hereby amended to read in its entirety as follows:

- (8) Filing of final plat. Upon completion of the requirements above and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the Town Clerk and may be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of failure of the Town Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the Town Board to grant an extension which shall not exceed two (2) additional periods of 90 days. **Such an extension must be applied for in writing to the Town Board within thirty (30) days of the expiration of the approval. If an extension is necessary for compliance, but not sought within this timeframe, then the approval shall be rescinded. Under these circumstances, applicants may re-apply for approval.**

Section 8. **Subsection 400-38 (H)(9)** of Chapter 400 of Article VII of the Town Code is hereby added to read in its entirety as follows:

- (9) **Model Home Permits:** For the purpose of allowing the early construction of model homes in a subdivision, subsequent to the filing of final plat with the Erie County Clerk, but prior to the full completion and acceptance of streets or highways giving access to the proposed structures(s). The Town Board may, by resolution, approve the issuance of a building permit for a model home. It may do so if it finds, after receiving recommendations from the Town Engineer and the Code Enforcement Officer, that such improvements have been made as are adequate in respect to the public health, safety, and general welfare. “Adequate” improvements shall generally mean that water lines and hydrants and sanitary sewers are available and that there is sufficient access provided for emergency vehicles. Similarly, the Code Enforcement Officer may issue a temporary certificate of occupancy for the purpose of display where adequacy of improvements is shown.

Section 9. **Subsection 400-38 (H)(10)** of Chapter 400 of Article VII of the Town Code is hereby added to read in its entirety as follows:

- (10) **Building Permits:** No building permits, other than those for a model home, as regulated in § 400-38(H)(9), shall be issued unless and until all improvements are installed and accepted by the Town Board as indicated in the Final plat; and the Final plat has been recorded in the Office of the Erie County Clerk.

Section 10. Severability Clause. If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Town Board of the Town of Lancaster hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Section 11. Effective Date. This local law shall be effective immediately upon filing with the New York Secretary of State.

WHEREAS, the Town of Lancaster’s Senior Center Recreation Supervisor, Mary Beth Gianni, by letter dated December 13, 2022 as advised the Town Board that the Senior Center no longer has use for a 2015 Chevrolet Express Van (VIN # 1GBZG1FGOF1218265 w/approx. 125,390 mi.) and has requested that the Town Board therefore deem this van to be surplus property and permit it to be placed on an online auction, and

WHEREAS, the Town Board has given due consideration to the request of the Recreation Supervisor and deems it in the public interest to declare the beforementioned van to be surplus property and permit placement of said van on an online auction.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby declares the beforementioned 2015 Chevrolet Express Van (VIN # 1GBZG1FGOF1218265 w/approx. 125,390 mi.) to be surplus property and authorizes the Senior Center Recreation Supervisor, Mary Beth Gianni, to place said van up for public bid at an online auction with Auctions International, www.auctionsinternational.com; 11167 Big Tree Road, East Aurora, New York 14052 beginning December 22, 2022 and concluding on or about January 5, 2023, with the funds received from said auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 22, 2022

PUBLIC AUCTION
OF TOWN OWNED SURPLUS EQUIPMENT

Notice is hereby given that the Town Board of the Town of Lancaster has deemed a 2015 Chevrolet Express Van (VIN # 1GBZG1FGOF1218265 w/approx. 125,390 mi.) as surplus property.

This surplus property will be auctioned at an online auction with Auctions International, <http://www.auctionsinternational.com>; 11167 Big Tree Road, East Aurora, New York 14052 beginning December 22, 2022 and concluding on January 5, 2023.

Successful bidders must provide a payment of 100% of the bid price offered payable to the Town of Lancaster prior to taking possession of the equipment.

The surplus equipment may be inspected at the Town of Lancaster's Senior Center, 100 Oxford Avenue, Lancaster, New York by contacting the Recreation Supervisor, Mary Beth Gianni at 685-3498 to make an appointment.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER

By: DIANE M. TERRANOVA
TOWN CLERK

December 22, 2022

WHEREAS, the Town Board of the Town of Lancaster held a public hearing on November 7, 2022, pursuant to Chapter 400-Zoning, Section 78 entitled Special use permits, of the Code of the Town Lancaster, upon the application of **Keith A. Wilkinson**, for a Special Use Permit for the storage of recreational vehicles on premises locally known as 10 Lancaster Parkway (SBL No. 94.00-3-34), in the Town of Lancaster, Erie County, New York, and

WHEREAS, Keith A. Wilkinson received Town Board approval on November 21, 2022 to subdivide 10 Lancaster Parkway (SBL No. 94.00-3-34) into two (2) lots which will create a new SBL No. but this Special Use Permit will remain with 10 Lancaster Parkway, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard, and

WHEREAS, Per letter dated October 28, 2022, Code Enforcement Officer, Matt Fischione, has reviewed the Special Use Permit application request pursuant to Chapter 400-Zoning, Section 78 and found it to be in compliance with the Zoning District requirements for this location.

**NOW, THEREFORE,
BE IT RESOLVED,**

1.

That pursuant to Chapter 400 Zoning, Article VI Industrial Districts, §400-20 Light Industrial District (LI), (B)(1)(v) of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Keith A. Wilkinson** for the storage of recreational vehicles on premises locally known as 10 Lancaster Parkway (SBL No. 94.00-3-34), in the Town of Lancaster, New York, upon the conditions as set forth in the Zoning Ordinance for the period December 19, 2022, through December 18, 2024, and
2.

That the applicant will continue in compliance with conditions as set forth in §400-20 Light Industrial District, §400-22 Supplementary regulations for LI District, and §400-78 Special use permits, of the Code of the Town of Lancaster, and to any additional conditions listed herein, as long as the applicant continues to engage in the occupation listed above on the premises namely.
- A.

There shall be no new or used campers, trailers, recreational vehicles or boats displayed for sale on the property.
- B.

There shall be no storage of dismantled or damaged vehicles on the site.
- C.

Applicant will provide a copy of the business’ New York State/Federal Tax Employer Identification Number.
- D.

Permit must be renewed every two (2) years at no additional cost to applicant. Renewal is considered upon the property owner submitting a request in writing to the Town Clerk, on or before November 20, 2024.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

WHEREAS, by letter dated December 8, 2022, John Trojanowsky, Executive Director of the Youth Bureau has recommended that the Town of Lancaster continue to participate in the collaborative effort with Lancaster Central School District by providing 50% of the direct salary and 50% of the annual cost of certain fringe benefits (health insurance coverage) for the Program Coordinator for the jointly funded Family Support Center within the Lancaster Central School District beginning December 12, 2022 through June 30, 2023, and

WHEREAS, the full 10-month direct salary cost is \$63,739.20; and the full 10-month health insurance coverage cost is \$21,587.37, and

WHEREAS, the position has been filled as of December 12, 2022, the amounts have been pro-rated accordingly and approved by Town Attorney, Thomas Fowler, Jr., and

WHEREAS, the Board deems it in the public’s interest to provide 50% of the annual direct salary cost and annual health insurance cost to the District to ensure this service is maintained for the community.

NOW, THEREFORE,
BE IT RESOLVED, as follows:

That the Supervisor of the Town of Lancaster is hereby authorized to execute the Agreement with the Lancaster Central School District for the purpose of providing a Coordinator for the Family Support Center for the period of December 12, 2022 to June 30, 2023 with the Town paying 50% of the annual (pro-rated) direct salary (\$20,162.40) and 50% of the annual (pro-rated) health insurance (\$8,994.74) for a total contribution of \$29,157.14 for the jointly funded Program Coordinator, George Brimmer, and

BE IT FURTHER,

RESOLVED, that the Lancaster Central School District will invoice the Town three installments of \$9,179.05 with the first being sent on or about December 20, 2022 and the last to be sent on or about April 1, 2023 and which will be paid for with funds from budget line A4320.411 Youth-At-Risk Programs.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 19, 2022

WHEREAS, by resolution adopted on July 18, 2022, the Town Board of the Town of Lancaster granted grant a Special Use Permit to Joseph David, of Thorny Events, LLC of **The Angry Buffalo** to operate a restaurant with outdoor patio seating on premises located at 2753 Wehrle Drive (SBL# 82.03-2-3.11)in the Town of Lancaster, New York, for the period July 18, 2022, through July 17, 2024, in conformance with§ 400-17 Light Commercial (LC), subsection (B)(1)(v) of the Code of the Town of Lancaster, and

WHEREAS, on December 5, 2022, Joseph David was granted an amended site plan approval to include an arena for indoor Flag Football, Sports Courts and Pro shop as accessory uses, and

WHEREAS, by email dated December 12, 2022, Code Enforcement Officer, Matt Fischione has indicated that the Outdoor Commercial Recreational Activities and Arena, as well as the Indoor Commercial Recreational Activities be included as accessory uses on the original Special Use Permit approval, and

WHEREAS, the Town Board has given due consideration to the request made by Matthew Fischione to amend the Special Use Permit granted to Joseph David, of Thorny Events, LLC of **The Angry Buffalo**, to include the accessory uses allowed by the permit and has determined that it is in the best interest of the community to make the amendment.

NOW, THEREFORE,
BE IT RESOLVED, that the resolution adopted on July 18, 2022, by the Town Board of the Town of Lancaster granting a Special Use Permit to Joseph David, of Thorny Events, LLC of **The Angry Buffalo**, is hereby amended to read, as follows:

1. That pursuant to Chapter 400-Zoning, Article V. Commercial Districts, § 400-17 Light Commercial (LC), subsection (B)(1)(v) of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to Joseph David, of Thorny Events, LLC of **The Angry Buffalo** to operate a restaurant with outdoor patio seating, which will include Outdoor Commercial Recreational Activities and Arena, and the Indoor Commercial Recreational Activities as accessory uses on premises located at 2753 Wehrle Drive (SBL# 82.03-2-3.11) in the Town of Lancaster, New York, upon the conditions as set forth in the Zoning Ordinance for the period beginning July 18, 2022 and ending July 17, 2024, and
2. That the applicant will continue in compliance with conditions as set forth in § 400-17 Light Commercial (LC), § 400-19 Supplementary regulations for LC and GC, and §400-78 Special use permits, of the Code of the Town of Lancaster, and to any additional conditions listed herein, as long as the applicant continues to engage in the occupation listed above on the premises namely:
 - A. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal request is considered upon the property owner submitting a request in writing to the Town Clerk, on or before July 17, 2024.
 - B. Applicant will provide a copy of the business’ New York State/Federal Tax Employer Identification Number and when applicable, a License from the appropriate regulatory agency for the service being provided.
 - C. Hours of operation for outdoor seating and athletic fields’ activities shall be limited to no later than 10:00 P.M.
 - D. Amplified sound to the outdoor seating and athletic fields is prohibited.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 19, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

WHEREAS, Michelle Barbaro, Deputy Highway Superintendent, for the Town of Lancaster, has requested authorization to repair the clutch and replace the bearings on the Parks’ Department’s 2018 M12R Beaver Chipper, and

WHEREAS, the Highway Superintendent, obtained a quote for both of the repairs from Bobcat of Buffalo, for a combined amount of \$5,597.97 in accordance with the Town of Lancaster’s Procurement Policy, and

WHEREAS, by letter dated December 12, 2022, Michelle Barbaro has recommended the Town of Lancaster approve the quotes for the repairs from Bobcat of Buffalo for the clutch (01-8052) dated October 11, 2022 in the amount of \$4,201.79, and the bearings replacement (01-8329) dated December 9, 2022.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the quotes submitted by the Highway Superintendent to repair the clutch and replace the bearings on the Parks’ Department’s 2018 M12R Beaver Chipper from Bobcat of Buffalo 6830 S. Transit Road, Lockport, New York, in accordance with their quotes dated October 11 and December 9, 2022 for a combined amount not to exceed \$5,597.97, and which will be paid for with funds available in the Town’s 2022 Parks, Repairs of Trucks and Equipment Budget (Line 01-7110-0424).

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 19, 2022

WHEREAS, Police Chief, William J. Karn, Jr., of the Town of Lancaster, by letter dated December 7, 2022, has recommended the appointment of Police Lieutenant Jonathan Ziders to the position of Police Captain to fill an upcoming vacancy, and

WHEREAS, Jonathan Ziders is eligible for appointment to this position pursuant to the standards and procedures as set forth in the Civil Service Law.

NOW, THEREFORE,

BE IT RESOLVED, that Jonathan Ziders of Lancaster, New York, be and is hereby appointed to the position of Police Captain in the Town of Lancaster Police Department effective January 1, 2023 contingent upon approval by Erie County Department of Personnel, and that such appointment shall be subject to all applicable provisions of law and subject to the execution of an Employment Agreement between the Town of Lancaster and Mr. Ziders, which is hereby approved as presented.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 19, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

18

WHEREAS, Police Chief, William J. Karn, Jr., of the Town of Lancaster, by letter dated December 7, 2022, has recommended the appointment of Police Lieutenant William Gummo to the position of Police Captain to fill an upcoming vacancy, and

WHEREAS, William Gummo is eligible for appointment to this position pursuant to the standards and procedures as set forth in the Civil Service Law.

NOW, THEREFORE,

BE IT RESOLVED, that William Gummo of Lancaster, New York, be and is hereby appointed to the position of Police Captain in the Town of Lancaster Police Department effective January 21, 2023 contingent upon approval by Erie County Department of Personnel, and that such appointment shall be subject to all applicable provisions of law and subject to the execution of an Employment Agreement between the Town of Lancaster and Mr. Gummo, which is hereby approved as presented.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 19, 2022

WHEREAS, PIM Corporation, Inc, 6 Lena Court, 201 Circle Drive North, Suite 105, Piscataway, NJ, the contractor for the Town of Lancaster’s Highway Capital Improvements Project involving the relining of three culverts within the Town - Harewood Run, Sugarbush Lane, and Running Brook Drive has submitted Change Order No. 1 in the amount of \$23,549.55 to the Town Board for their approval, based on the description of work previously provided to the Town Board.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 to **PIM Corporation, Inc**, with respect to the outlined descriptions provided to the Town Board:

DESCRIPTION OF CHANGE ORDER NO. 1:

Additional culvert area of 1,863 sq. ft. was lined over the calculated area of 27,000 sq. ft provided in contract.

CHANGE ORDER NO. 1:

The original Contract Sum was	\$	643,750.00
The Contract Sum will be increased by this Change Order in the amount of....	\$	23,549.55
new Contract Sum increased including this Change Order will be	\$	667,299.55

BE IT FURTHER,

RESOLVED, that the Supervisor be and is hereby authorized to execute Change Order #1 on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

WHEREAS, Ronald Ruffino, Sr., Town Supervisor of the Town of Lancaster, has recommended the appointment of the following individual(s) to the following part-time temporary seasonal position(s).

NOW, THEREFORE,

BE IT RESOLVED, that the following individual(s) is hereby appointed to the following part-time temporary seasonal position(s) in the Supervisor’s Office, for a period not to exceed five (5) months, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Lynn King Lancaster, NY	Clerk	\$25.00	December 20, 2022

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 19, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER BURKARD, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

21

WHEREAS, MGR Constructors, Inc., P.O. Box 61, Bowmansville, New York 14026, the company awarded the contract for the construction of the Lancaster 2020 Dog Shelter Project, has submitted Change Order No. 5 to increase the amount by \$9,262.00 to the Town Board for their approval, based on the description previously provided by the Town’s Consulting Engineer.

NOW THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 5 from MGR Constructors, Inc., with respect to the outlined description provided to the Town Board by the Town’s Consulting Engineer’s letter dated July 13, 2022:

DESCRIPTION OF CHANGE ORDER NO. 5:

The increase represents the tasks required by the NYS Department of Agriculture and Markets during their inspection on April 20, 2022 which included: correcting sloping on Kennel floors, adding a dog wash station with water and sanitary connection in garage, addition of Hose Bib in garage for hot water, and raising floor tub in Kennel area.

CHANGE ORDER NO. 5:

The original Contract Bid Sum was	\$	603,444.00
The Contract Bid Sum decreased by Change Order #1 in the amount of....	\$	(128,044.00)
The Contract Bid Sum changed by Change Order #2 in the amount of....	\$	0 .00
The Contract Bid Sum changed by Change Order #3 in the amount of....	\$	13,261.00
The Contract Bid sum increased by Change Order #4 in the amount of...	\$	1,400.00
The Contract Bid sum <i>increased</i> by Change Order #5 in the amount of...	\$	<i>9,262.00</i>
The NEW Contract Bid Sum including this Change Order will be....	\$	499,323.00

BE IT FURTHER,
RESOLVED, that the Supervisor be and is hereby authorized to execute this Change Order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

WHEREAS, the Town Board of the Town of Lancaster has previously held a public hearing on May 7, 2018, pursuant to Chapter 400-Zoning Article XIV-Administration and Enforcement, Section 78 of the Code of the Town of Lancaster, upon the application of **Timothy Szczepanski, Vice President of Northeast Diversification, Inc.**, for a Special Use Permit to **operate a contractor’s storage yard including vehicles, equipment, inventory, and construction materials** on premises locally known as 954 Ransom Road (SBL No. 95.00-4-22) aka 2 Cadby Industrial Park, currently zoned General Industrial (GI) and the Board issued such Special Use Permit on May 21, 2018, and this Special Use Permit is subject to a yearly renewal upon application by the property owner, and

WHEREAS, by letter dated November 2, 2022, **Timothy Szczepanski, President of Northeast Diversification, Inc.**, has requested that the Town Board renew the Special Use Permit for an additional one (1) year period, and

WHEREAS, Matt Fischione, the Town’s Code Enforcement Officer, completed an onsite inspection and found the property compliant to the original conditions of the Special Use Permit per his letter dated November 29, 2022.

**NOW, THEREFORE,
BE IT RESOLVED, as follows:**

1. That pursuant to Chapter 400 Zoning, Article VI Industrial Districts, Section 21(B)(1)(h) of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a renewal of the Special Use Permit to **Timothy Szczepanski, Vice President of Northeast Diversification, Inc.**, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance for the period January 1, 2023 through December 31, 2023, and
2. That the applicant will continue in compliance with conditions as set forth in § 400-21(B)(1)(h) Industrial Districts and § 400-78 Special use permits of the Code of Town of Lancaster and with the following conditions:
- A. Permit shall expire on December 31, 2023. The original applicant can renew the permit at no additional cost provided it is for the same location that the original permit was issued under.
- B. Applicant will authorize representatives from the Building Inspector’s Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKHARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 19, 2022

WHEREAS, the Town Board of the Town of Lancaster has previously held a public hearing on April 17, 2017 pursuant to Chapter 400-Zoning Article XIV-Administration and Enforcement, Section 78 of the Code of the Town of Lancaster, upon the application of **Michael Salvadore**, president of **MJJ Property Management, LLC.**, for a Special Use Permit to do **Mulching, Shredding and Processing** on premises locally known as 6140 Genesee Street (SBL No. 84.00-3-30), Lancaster, New York, currently zoned Agricultural Residential District with a Sand, Gravel and Aggregate mining overlay district, and the Board issued such Special Use Permit on May 1, 2017 and this Special Use Permit is subject to a yearly renewal upon application by the property owner, and

WHEREAS, by letter dated November 7, 2022, **Aaron Stissor**, Comptroller at **MJJ Property Management, LLC.**, has requested that the Town Board renew the Special Use Permit for an additional one (1) year period, and

WHEREAS, Matt Fischione, the Town’s Code Enforcement Officer, completed an onsite inspection and found the property compliant to the original conditions of the Special Use Permit per his letter dated November 29, 2022.

**NOW, THEREFORE,
BE IT RESOLVED, as follows:**

1. That pursuant to Chapter 400 Zoning, Article IV Residential Districts, Section 13(B)(1)(p) of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a renewal of the Special Use Permit to **Aaron Stissor**, of **MJJ Property Management, LLC.**, to perform **Mulch Shredding and Processing** on premises locally known as 6140 Genesee Street (SBL No. 84.00-3-30), Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance for the period January 1, 2023 through December 31, 2023, and

2. That the applicant will continue in compliance with conditions as set forth in § 400-13(B)(1)(p) Agricultural Residential Districts, § 400-24 SGA Overlay District, and § 400-78 Special use permits of the Code of Town of Lancaster and with the following conditions:

- A. No more than 10,000 cubic yards are to be stored at any one (1) time on the area located on the site plan.
- B. Must maintain proper dust and odor remediation practices.
- C. Shall adhere to the specified hours of shredding and processing operations of Monday through Friday from 7:00 A.M. to 5:00 P.M.
- D. Vehicles are to remain on a paved surface; at no time is vehicle traffic on unpaved areas allowed.
- E. Mining Activities will require permitting upon commencement pursuant to Town Code, Chapter 163, Excavations.
- F. Permit shall expire on December 31, 2023. The original applicant can renew the permit at no additional cost provided it is for the same location that the original permit was issued under.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

WHEREAS, the roof of the Lancaster Library located at 5466 Broadway in the Town of Lancaster was damaged and in need of emergency repair, and

WHEREAS, Deputy Highway Superintendent, contracted John’s Home Improvement, to provide the repairs for a cost of \$4, 964.19 per the proposal dated November 29, 2022, and

WHEREAS, funding for the repairs is available in Town’s 2022 Buildings, Equipment, Other Capital Outlay Budget (Line Item 01-1620-0260).

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the proposal from John’s Home Improvement, 302 Central Ave., Lancaster, New York, for the emergency repair of the roof on the Lancaster Library, for an amount not to exceed \$4,964.19 and which will be paid for with funds available from the 2022 Buildings, Equipment, Other Capital Outlay Budget (Line Item 01-1620-0260), and

BE IT FURTHER,

RESOLVED, that the Supervisor is authorized to execute the proposal and payment for services and materials shall be made upon the receipt and approval of the required insurance certificates by the Town Attorney’s Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

December 19, 2022

WHEREAS, The Town Board has previously duly advertised for bids for the proposed reconstruction of Simme Road culvert over tributary to Cayuga Creek, and

WHEREAS, funding for this project is available from the Capital Improvements Project Bond for the Replacement and/or Reconstruction of various Culverts adopted on March 21, 2022, and

WHEREAS, seven (7) bids were received, opened and reviewed on October 4, 2022, and

WHEREAS, DiDonato Engineering & Design Professionals, by letter dated October 10, 2022, has recommended awarding the bid to Union Concrete and Construction Corp., being the lowest responsible base bidder in the amount of \$337,328.40, and by email dated October 17, 2022, Town Consulting Engineer, Edward Schiller has concurred with DiDonato’s recommendation.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby awards the bid for the Town of Lancaster’s reconstruction of Simme Road culvert over tributary to Cayuga Creek Project to Union Concrete and Construction Corp.,435 Meyer Road, West Seneca, New York, in the amount of \$337,328.40 being the lowest responsible base bidder in conformance with the specifications on file in the office of DiDonato Engineering & Design Professionals and to be paid for with funds from the March 21, 2022 Replacement and/or Reconstruction of various Culverts Capital Improvements Project Bond.

BE IT FURTHER,
RESOLVED, that the Supervisor is hereby authorized to execute this contract on behalf of the Town of Lancaster and to do all things necessary to effectuate the intent of this resolution pending the receipt and approval of all required documents and Insurance certificates by the Town Attorney’s Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED